

can be in a sense a warrior in this ideological battle which is going on across the green in the Supreme Court. That is what is happening.

If a new nominee is only a fourth, well, there may be an opportunity for a fifth. President Obama is not halfway through his second year. Who knows what the future will hold on the electoral process or who knows what the future may hold with respect to Supreme Court vacancies. But there may well be an opportunity for subsequent appointments to the Supreme Court.

It is my hope there will be a nominee whom the President feels comfortable with ideologically. Interestingly, when President Obama was Senator Obama, as the record shows, he voted against Chief Justice Roberts for confirmation. In his statement he pretty much acknowledged Chief Justice Roberts'—then Judge Roberts—competency and qualifications but disagreed with him on philosophical and ideological grounds.

But what goes on inside that conference room is known only to the Justices. It is very small, very simple, situated right behind where the Chief Justice sits in court, if you walk right in back of that. I think relatively few people have had an opportunity to see that conference room. It is written about as a place where only the Justices can go. If there is a knock on the door, as is frequently reported, it is the junior Justice who answers the door. But what goes on inside that conference room decides the cutting-edge questions of the day. It is my hope that the replacement will be someone with solid academic credentials, solid professional credentials, the intellect and really the ability to carry on that battle, which is an ideological battleground within that Supreme Court conference room.

I urge further that the President look beyond certain judges. Today, the nine Justices, including Justice Stevens, all come from the courts of appeals from the circuits. Well, there is great talent beyond the circuits. When *Brown v. Board of Education* was decided, I believe only one had been a circuit judge. Why not look for an ex-Governor like Earl Warren? Why not look for an ex-Attorney General like Robert Jackson? Why not look for an ex-Senator or a current Senator, like Hugo Black, who was a Senator when he was selected for the Court, or perhaps even an ex-President? William Howard Taft had been President of the United States and later served as Chief Justice of the Supreme Court of the United States.

So I believe we ought not to be concerned about it. As divisive as the Senate has become and as partisan and as gridlocked as the Senate has become, I believe there are 60 votes in this Chamber to reject the concept of a filibuster and that the President ought to have a free hand in selecting his choice in accordance with the considerations which I have outlined.

I thank the Chair, and in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, we are here to move forward on extending unemployment benefits, which is long overdue. They expired April 5. We have thousands and indeed hundreds of thousands of our fellow citizens across the Nation who need this assistance.

In my State of Rhode Island, it has become even more necessary. Not only are we seeing unemployment rates ranging around 12 percent, but last week we endured the worst flooding in the history of our State. It has swept through a large portion of our State. Senator WHITEHOUSE and I have been going from town to town and neighborhood to neighborhood. People's homes have been engulfed in water, up through the first floor. They have lost their utilities. They have lost their appliances. They have lost their precious mementoes—everything. We have also had commercial operations that have been flooded. Our largest mall in the State, Warwick Mall, has been completely inundated. It has been closed now for almost 2 weeks. Literally hundreds and hundreds of employees have not been able to work. They are now eligible, through no fault of their own, for unemployment compensation. So we have to do this. This is an example of one State, but it is throughout this whole country.

What is also adding further necessity to the legislation before us is that—what we have found is that our Federal, State, and local officials have been extraordinarily prompt in responding to the disaster. I thank the President. He very quickly issued a Presidential disaster declaration for Rhode Island and parts of Massachusetts, as well as other areas of New England. FEMA has been on the ground. They are doing a very good job. But for someone who has lost their home and all of their possessions, someone who also may have lost their business simultaneously, every moment is precious. Despite the extraordinary efforts of the men and women of FEMA, the Small Business Administration, EPA, the Corps of Engineers, State officials, and local officials, we have to do much more for these people.

One of the ironies is that—one of the benefits of the Small Business Administration is essentially providing loans to households and to businesses; however, they are limited unless these businesses can get flood insurance. Private flood insurance is out of sight financially.

Public flood insurance has been without authorization. In this legislation,

we will have a temporary extension of the National Flood Insurance Program. Let me translate that into practical terms. SBA in Rhode Island could go to a business and say: You have had physical damage. We can lend up to \$2 million to you. Unfortunately, because you can't get flood insurance, we are limited to giving you \$14,000. When you offer that to someone who is desperate, who is seeing hundreds of employees without work, who is trying their best—in fact, even the idea of taking another loan is a very great leap forward. To say: You need \$100,000 or \$500,000; we can give it to you, but—it is the classic catch-22. In this legislation, we can extend this program, even for several weeks, but allow individuals in these affected areas to qualify for what they need.

In terms of home loans, the limit is not that high, but it could be up around \$40,000 for personal property and \$200,000 for real estate. I have been in homes where the damage is excessive. Yesterday, I walked into a home in Cranston, RI, and a father and his two grown sons were ripping up the tiles. The whole first floor has to be gutted and replaced. They may just try to do it on their own, they may try to seek bank lending, but it would be nice if they could get the full support of the Federal Government, as we intended when we passed the SBA laws and disaster relief laws.

In terms of economic injury, if there is a business that has lost all of its inventory, that has to close, that has just lost business because of the flood, they, too, can qualify for loans—and again, the total is up to \$2 million. However, without flood insurance, the cap is \$5,000. So going to someone who has lost all of this and saying to them: Well, let me explain the intricacies. You can get this, but you can't get this. If Congress acts, you can get this. We have to do much more for our citizens. If these programs are available, we have to make them truly available.

One of the consequences, frankly, of this political jousting back and forth is we lose sight of the effect on our constituents, the effect on real people and real problems. As a result, they are looking at us here and saying: What is going on? You have authorized the program. You have the money to loan me up to \$2 million, but you can't because you can't authorize another program. We might understand that procedurally. We might understand the delays we see here, et cetera. But the American public doesn't understand it. They have a problem; they expect their government to respond, particularly when the programs are already authorized, when the programs are there, and we have done it in the past. I would hazard a guess that every Member in this Chamber has used—or their constituents have used Federal flood relief programs, agriculture relief programs. I supported every one of them because when Americans are facing a natural disaster, they need all of us to rally behind them and support them.